

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

Case No. _:18-cv-____

IRENE WARREN KENT, Administratrix of
the Estate of Michele Quantele Smiley

Plaintiff,

vs.

VAN DUNCAN, in his official capacity as
Sheriff of Buncombe County; WESTERN
SURETY COMPANY, as surety for the
Sheriff; CHARLES J. WILHELM,
individually and in his official capacity;
EDWARD F. PARKER, individually and in
his official capacity; MEGHAN T. RIDDLE,
individually and in her official capacity;
RYAN P. ZABLOUDIL, individually and in
his official capacity; MATTHEW C. CORN,
individually and in his official capacity;
ETHAN GIBBS, individually and in his
official capacity; JOHN DOE #1, individually
and in his official capacity; and JOHN DOE
#2, individually and in his official capacity;
TINA COX MILLER, LPN; and
SOUTHEAST CORRECTIONAL MEDICAL
GROUP, PLLC,

Defendants.

**NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C.
§1441(a) [Federal Question]**

PLEASE TAKE NOTICE that Defendants Van Duncan, Sheriff of
Buncombe County, Western Surety Company, as surety for the Sheriff, Charles J.
Wilhelm in his official and individual capacity, Edward F. Parker in his official
and individual capacity, Meghan T. Riddle in her official and individual capacity,

Ryan P. Zabloudil in his official and individual capacity, Matthew C. Corn in his official and individual capacity, Ethan Gibbs in his official and individual capacity, and Southeast Correctional Medical Group, PLLC, hereby remove to this Court the state court action described below.

1. On October 3, 2018, a Complaint was filed in Buncombe County Superior Court titled *Irene Warren Kent, Administratrix of the Estate of Michele Quantele Smiley Plaintiff vs. VAN DUNCAN, in his official capacity as Sheriff of Buncombe County; WESTERN SURETY COMPANY, as surety for the Sheriff; CHARLES J. WILHELM, individually and in his official capacity; EDWARD F. PARKER, individually and in his official capacity; MEGHAN T. RIDDLE, individually and in her official capacity; RYAN P. ZABLOUDIL, individually and in his official capacity; MATTHEW C. CORN, individually and in his official capacity; ETHAN GIBBS, individually and in his official capacity; JOHN DOE #1, individually and in his official capacity; and JOHN DOE #2, individually and in his official capacity; TINA COX MILLER, LPN; and SOUTHEAST CORRECTIONAL MEDICAL GROUP, PLLC*, Case No. 18 CV 04471. Copies of the Summons, Complaint, and exhibits 1, 2 and 3 to the Complaint are collectively attached as Exhibit “A.” These

constitute the only documents filed in the action of which defendants are aware.

2. All Defendants, except Tina Cox Miller who has not been served with a summons and complaint, join in this notice of removal.
3. This action includes two claims for relief under 42 U.S.C. §1983, over which this Court has original jurisdiction under the provisions of Title 28, United States Code §1331, and is one which may be removed to this Court pursuant to 28 U.S.C. §1441(a) and (c).
4. A copy of this Notice for Removal, in conjunction with a Notice of Filing of Notice for Removal, will be filed with the Clerk of Court for Superior Court of Buncombe County, North Carolina and served on the Plaintiff's counsel.

Respectfully submitted, this the 2nd day of November, 2018.

s/Sean F. Perrin

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s/Patrick Flanagan

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*Attorney for Defendant Charles J.
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capacity*

CERTIFICATE OF SERVICE

This is to certify that on November 2, 2018, a copy of the foregoing **NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. §1441(b) [Federal Question]** was electronically filed with the Clerk of Court using CM/ECF system, and the undersigned sent a copy via United States Mail to:

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s/Sean F. Perrin